

**TOWN OF DAVIE
REGULAR MEETING
MARCH 7, 2007**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:05 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Crowley, Councilmembers Caletka, Paul and Starkey. Also present were Town Administrator Shimun, Town Attorney Cherof, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Dan Pignato declared his support for John Pisula, candidate for District 4.

Phil Busey stated that he was running for the District 3 seat, and advised of his platform.

Terry Santini declared she was a candidate for the District 3 seat and stated her platform.

Greg Brilliant stated that the Fraternal Order of Police and National Association of Firefighters' supported Marlon Luis for the District 4 seat.

Representative Mike Davis addressed the meeting via telephone regarding affordable housing initiatives. He explained that House Bill 259 addressed this matter and placed the burden on municipalities, not developers. Representative Davis advised that he had filed House Bill 1375, and they were working to include funding issues. He was optimistic about the SHIP and SAIL programs, and noted that they were considering additional sources of funding.

Mayor Truex informed Representative Davis that Council would discuss the legislative property tax proposals later in the meeting. Representative Davis advised that he was not one who would advocate shifting the burden to local governments, but was focusing on identifying new funding sources for infrastructure.

Art Waganheim discussed the unsafe conditions on Shotgun Road and Orange Drive and reminded Council that the residents had asked for help on this issue. He stated that several years ago, the Town approved a lighting plan for South Post Circle, but no one had ever followed up with FPL regarding this issue. Mr. Waganheim wished Councilmember Paul well, and stated his support for John Pisula.

Barbara Tilley referred to the proposal for the I-595 improvement that involved Park City Mobile Home Park. She advised that she had phoned an FDOT representative, who informed her that they had other options, and they were currently negotiating with Arrowhead golf course. Vice-Mayor Crowley informed Ms. Tilley that Council had discussed this and instructed Mr. Shimun to invite FDOT to make a presentation on this subject.

Doris Monier thanked everyone who had contributed to the preservation of Sunny Lake.

Scott McLaughlin stated his support for Marlon Luis for the District 4 seat.

Marlon Luis declared his candidacy for District 4.

Vincent Muller, vice-president of Davie Professional Firefighters Union, stated the Union's support for Councilmember Starkey's re-election to District 3 and Marlon Luis' election to District 4.

The Starkey family stated their support for Councilmember Starkey's re-election in District 3 and their disappointment at negative campaigning aimed at Councilmember Starkey. Councilmember Starkey explained that the financial problems to which the negative campaigning referred were related to a divorce.

Stuart Podel stated his support for Marlon Luis for the District 4 seat.

Scott Spages stated his support for John Pisula for the District 4 seat.

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Steven Wain, the co-founder of Circle of Love, thanked the Town and Special Projects for the Orange Blossom Parade and Festival. Kids involved in the Circle of Love program presented certificates to the Town and to Special Project Director Bonnie Stafiej, thanking them for their efforts on behalf of Circle of Love.

Lloyd Phillips discussed several problems and thanked several Town employees for their inactions on many issues.

John Ladue thanked Councilmember Paul for her service and stated his support for Phil Busey for the District 3 seat.

Councilmember Paul read a letter from Donna Amchir, thanking Council for re-naming NW 75 Terrace in honor of her husband Bob Amchir, founder of the Toys in the Sun Run.

Councilmember Paul discussed her life in Davie, her love for Davie, her love for serving the people of the Town, and stated her support for Marlon Luis to replace her.

Mayor Truex indicated that item 4.5 needed to be tabled.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table [May 2, 2007]. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that the petitioner was requesting that item 6.1 needed to be tabled to May 2, 2007.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex stated that item 6.2 had been withdrawn. Town Engineer Larry Peters explained that the applicant had withdrawn the item because they had withdrawn their offer to purchase the property.

Mayor Truex advised that staff requested 6.5 and 6.6 be tabled to April 4, 2007.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 October 18, 2006 (Regular Meeting) (tabled from January 17, 2007)
- 4.2 December 6, 2006 (Regular Meeting)
- 4.3 December 11, 2006 (Special Meeting)
- 4.4 December 20, 2006 (Regular Meeting)

Resolutions

- 4.5 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF AGREEMENT TO MODIFY BULK WATER AND SEWAGE USER AGREEMENT BETWEEN THE TOWN OF DAVIE AND FERNCREST UTILITIES TO PROVIDE BULK WATER AND SEWAGE SERVICE; AND PROVIDING AN EFFECTIVE DATE. (tabled from February 21, 2007)

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- 4.6
R-2007-76 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH THE DOG OBEDIENCE CLUB OF HOLLYWOOD, INC FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR AN ANNUAL DOG SHOW. (arena rental fee - \$2,250)
- 4.7
R-2007-77 **FIRM SELECTION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GEOGRAPHIC TECHNOLOGIES GROUP, INC. TO PROVIDE GIS SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- 4.8 **WAIVER OF BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, WAIVING THE REQUIREMENT FOR COMPETITIVE BIDDING FOR PURCHASES EXCEEDING \$25,000 AS REQUIRED IN SECTION 2-317 OF THE TOWN CODE OF ORDINANCES FOR THE CONSTRUCTION OF IMPROVEMENTS TO THE BUILDING AT 6501 ORANGE DRIVE AND ALLOWING THE SUBSTITUTION OF INFORMAL BIDS IN ITS PLACE; AUTHORIZING THE MAYOR TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING HIS SIGNATURE TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (Orangemen Development and Construction Corporation - \$64,220)
- 4.9
R-2007-78 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ACCEPT THE BASE BID RECOMMENDATION FOR A SEGMENT OF ORANGE DRIVE ROADWAY IMPROVEMENT. (Williams Paving - \$325,000)
- 4.10
R-2007-79 **DEVELOPMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF DAVIE AND UNIVERSITY ASSOCIATES LIMITED TO PROMOTE THE DEVELOPMENT OF CERTAIN REAL PROPERTY LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.11
R-2007-80 **INFRASTRUCTURE AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN INFRASTRUCTURE AGREEMENT BETWEEN THE TOWN OF DAVIE AND NOVA SOUTHEASTERN UNIVERSITY TO PROMOTE THE CONTINUING CAMPUS DEVELOPMENT LOCATED WITHIN THE TOWN; PROVIDING FOR CONTRIBUTION TO THE TOWN; PROVIDING FOR INDEMNIFICATION; AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

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- 4.12 **DELEGATION REQUEST - A RESOLUTION OF THE TOWN OF DAVIE,**
R-2007-81 **FLORIDA, APPROVING A DELEGATION REQUEST TO AMEND THE NOTE ON**
THE PLAT KNOWN AS “YOUNG WORLD”; AND PROVIDING AN EFFECTIVE
DATE. (DG 3-3-06, Nova Southeastern University, 3301 College Avenue)
- 4.13 **PLAT REVISION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2007-82 **AUTHORIZING A REVISION TO THE BOUNDARY LINE OF THE PLAT KNOWN**
AS "FLAMINGO VILLAGE" AND PROVIDING AN EFFECTIVE DATE. (DG 2-1-
07, Flamingo Village, 800 South Flamingo Road)
- 4.14 **PLAT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A**
R-2007-83 **PLAT KNOWN AS THE “DAVIE ESTATES” AND AUTHORIZING THE MAYOR**
AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE
MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND
PROVIDING AN EFFECTIVE DATE. (P 6-2-04, Davie Estates, generally located
between SW 58 Avenue (Wilson Road) and SW 61 Avenue (Aries Road), south of
Griffin Road) *Planning and Zoning Board recommended approval with the stipulation*
that on SW 58 Avenue, there be an emergency access only)

Quasi-Judicial Consent Agenda

- 4.15 MSP 6-9-04, Davie Estates, generally located between SW 58 Avenue (Wilson Road) and SW 61 Avenue (Aries Road), south of Griffin Road (R-1) *Site Plan Committee recommended approval subject to the staff report except the part about the entrance on 58th Avenue; that there be one vehicular access on 61st Avenue and that there be an emergency access point on 58th Avenue to be composed of stabilized grass to replace the vehicular access and to be used for emergency vehicles only; the road right-of-way has to be reduced to 40-feet and maintain a buffer at ten-feet with no overlap; the developer will be required to have a continuous retaining wall as per the detail drawings, however, it will be required that they obtain a waiver of the rural lifestyle from Town Council to enable them to have a continuous wall; do a written summary report of their public participation meetings with backup including questions and responses before this goes to Council*

Councilmember Starkey pulled item 4.4 as she wanted the portion of the minutes from the December 20, 2007 meeting regarding mobile home testimony transcribed verbatim. Councilmember Caletka pulled items 4.2, 4.7, 4.14, and 4.15. Councilmember Paul pulled item 4.8.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the consent agenda, without items 4.2, 4.4, 4.7, 4.8, 4.14 and 4.15. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Councilmember Caletka stated that regarding items 4.17, 4.19, 6.3 and 6.4, he thought he had asked Mr. Dell if adjacent residents had been notified, not adjacent property owners. He asked that staff review this and amend the minutes if necessary.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve with that amendment. In a voice vote, all voted in favor. (Motion carried 5-0)

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4.4 Mayor Truex wanted any verbatim transcripts included as attachments to minutes, and not included as part of the minutes. Councilmember Starkey noted that she wanted to include the verbatim portions in submissions she made to legislators and requested that this be done by the next meeting.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to table to the next meeting [March 22, 2007]. In a voice vote, all voted in favor. (Motion carried 5 – 0)

4.7 Councilmember Caletka questioned the need for these services, considering the cost. Development Services Director Mark Kutney described how the GIS system worked.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve.

Councilmember Paul thought this information was available from other sources, including the Broward County Property Appraiser's Office. Assistant Town Administrator Ken Cohen agreed and cited specific examples of how they could use this information, including fire hydrant location. Mayor Truex noted that this would save money in the end through increased efficiency. Vice-Mayor Crowley said the system was expensive, but he felt it was the wave of the future, and noted that he utilized GIS every day.

In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

4.8 Councilmember Paul felt Council should stick to the rule that anything over \$25,000 must be bid. She stated that she had received an e-mail that the CRA was not subject to the purchasing provisions and wondered why they voted on everything.

Community Redevelopment Administrator Will Allen explained that Community Redevelopment Agency's (CRA) legal counsel had advised that the CRA was not subject to the Town's procurement requirements, and they had awarded the contract to the apparent low bidder of the three informal bids. Mr. Allen stated that their current lease ended March 15th, and the building would be taken over by Housing and Community Development and turned into a "one stop" center. Mr. Allen said that in January, the CRA had voted to move into a previously purchased a new building. He noted that the competitive bidding procedure would postpone this move by several months, and they would continue to pay rent in the meantime.

Vice-Mayor Crowley wondered who had authored the letter Council had received and took exception to some of the assertions made in the letter. He also felt the CRA should follow the same procedures as the Town did, since this was the taxpayers' money. Mayor Truex said he would not approve this, stating he did not agree with bypassing the bid process, as he felt this presented "a tremendous opportunity for mischief."

Housing and Community Development Director Shirley Taylor-Prakelt informed Council that their purchase of a property had been held up by HUD, and every delay slowed the process of opening the "one stop" center. She advised that no one had waited until the last minute and they had preformed due diligence.

Councilmember Starkey agreed with her fellow Councilmembers that the bid process should be followed.

Councilmember Paul made a motion, seconded by Mayor Truex, to deny. In a voice vote, all voted in favor. (Motion carried 5-0)

4.14 and 4.15 Mr. Cherof swore in the witnesses. Planning and Zoning Manager Bruce Dell summarized the planning report.

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Gary Blume, representing the applicant, confirmed that he had reviewed the staff report and recommendations, and had no objection to the Planning and Zoning Board recommendations. He said they had been neutral to access via 58 Avenue, but the Town's engineers and Fire Department were adamant that the opening be maintained. The controversy regarding that access had been between staff and other boards. Mr. Blume said there was no negative comment at any public comment hearings.

Mr. Blume stated that the applicant had agreed to Town's request to build a traffic circle at the entrance, and to widen a section of 58th Avenue.

Councilmember Paul asked what improvements were intended for 61st Avenue. Mr. Blume responded that the applicant planned to widen it to 24 feet. Councilmember Paul felt improvements must be made on 58th Avenue, even if it were closed off. Mr. Blume thought the development to the east should provide this if this project had no access.

Councilmember Starkey asked about the tree survey. Mr. Blume explained that the applicant would remove the invasive trees during construction of the lake and any non-invasive trees would be left. Councilmember Starkey wanted to add more buffering along the development, 58th Avenue and 61st Avenue. Mr. Blume advised that the trees would be added pursuant to a landscape plan.

Mr. Dell confirmed for Councilmember Starkey that emergency access was the reason they wanted to maintain access to 58th Avenue.

Mr. Peters explained that this project presented an opportunity to improve 58th Avenue, and create a traffic-calming device at both project entrances. Vice-Mayor Crowley said they could not predict what would happen with the Home Dynamics project, and felt that the first project built should be responsible to improve the roadway. He wanted to keep traffic off 58th Avenue, and he also wanted a guardrail installed. Mr. Blume informed him that the applicant planned to install a guardrail.

Mr. Cherof opened the public hearing portion of the meeting.

Karen Stenzel-Nowicki, 45480 SW 55 Avenue, said she was not noticed regarding this project, despite her specific request for this. She presented Council with photos of the property depicting flooding problems, the deteriorated guardrails and canal, and pointed out that improvements were not the answer. Ms. Stenzel-Nowicki distributed letters dating from 1987 regarding the traffic mitigation issues and documentation regarding the serious accidents in the area. She said traffic mitigation must be provided on this road to prevent future accidents.

Doris Monier said she had not been invited to the community meeting, but she would be affected by the increase in traffic. She was concerned about cut-through traffic in the developments.

Paula Twitty felt the Town should make the repairs to the road, not the developer. She had stopped using that road because of a close call she had experienced. Mr. Cherof explained that Town Code stated that developers were responsible to improve roads when vacant property was developed.

Mr. Blume advised that notices had been mailed to all addresses on the list they were given, and he did not know why some individuals had not received notice. He remarked that the negative comments this evening concerned the condition of 58th Avenue, not the applicants plat and site plan request. Mr. Blume agreed that 58th Avenue needed improvement, not closing off, and reiterated all of the improvements the applicant had offered to make to the road and canal.

Council disclosed communications they had regarding this item.

Mayor Truex favored providing access on both sides of the property because this would allow for improving sections of both streets to help reduce traffic accidents. Councilmember Starkey said she had wanted improvements on 58th Avenue for some time, and they must initiate traffic calming to improve safety. She supported the project as presented. Vice-Mayor Crowley favored reducing traffic on 58th

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Avenue, so while he supported the project, he did not support allowing access to 58th Avenue. He still wanted the developer to make the improvements, and to remove the non-native trees along the canal and public right-of-way. Councilmember Caletka stated that he had spoken with residents living on 58th Avenue and on 61st Avenue, and they believed that their street had the worst traffic, and wanted the access granted to the other street. He favored allowing access to both roads to give nearby residents a choice. Councilmember Paul felt that building one-acre site homes was appropriate, but did not like allowing each site to be independently developed. She believed this dragged out the construction time and became problematic. She was also concerned with additional development until their water issues were addressed. She was also worried about construction traffic.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. Vice-Mayor Crowley asked where the entrance was on the plat. Mr. Blume stated the plat and site plan showed a full access opening on 58th Avenue. Councilmember Starkey said this was what her motion intended. In a voice vote, with Councilmember Paul and Vice-Mayor Crowley dissenting, all voted in favor. (Motion carried 3-2)

Councilmember Caletka made a motion, seconded by Mayor Truex, to approve subject to the improvements that the applicant had agreed to make: traffic calming, replacement of the pipe, two roundabouts, exotic tree removal, and guardrail. Mr. Peters recommended that Council include a correction to Site Plan Committee comments, item 2, to add the entrance on 58th Avenue. Councilmember Caletka confirmed that this was his motion. Mr. Blume had no objections to the conditions. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 3-2)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 12-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM MH-10, MOBILE HOME DISTRICT TO RM-10, MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 12-2-04, Colonnade Construction Group/Ponderosa Development, Inc., 4701 and 4631 SW 73 Avenue) (tabled from February 7, 2007) *Planning and Zoning Board recommended denial {Approved on First Reading on January 17, 2007. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes}*

This item was tabled earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held March 22, 2007)

- 6.2 **RELEASE** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING A PETITION FOR THE RELEASE OF A CANAL RESERVATION AND ROAD RIGHTS-OF-WAY FOR THE NORTHEAST CORNER OF FLAMINGO ROAD AND ORANGE DRIVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 21, 2007)

This item was withdrawn earlier in the meeting.

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- 6.3 **CODE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE XII., DIVISION 3 SITE PLAN REQUIREMENTS AND PROCEDURES, SECTION 12-373, EXPIRATION OF SITE PLANS; SECTION 12-380 EFFECTIVE PERIOD OF APPROVAL; EXTENDING SITE PLAN AND MASTER PLANNED DEVELOPMENT APPROVAL EXPIRATION TO EIGHTEEN (18) MONTHS; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. *Planning and Zoning Board recommended approval*

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing would be held at the March 22, 2007 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing.

Mr. Kutney explained to Mayor Truex how staff stated handled extensions administratively, and stated that other municipalities offered this as well. Councilmember Paul did not agree with automatically offering extensions. Vice-Mayor Crowley favored this because he felt it could alleviate staff's workload. Councilmembers Starkey and Caletka agreed that this would help reduce staff's workload.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - yes. (Motion carried 4-1)

Ordinance - First Reading/Quasi Judicial Item (Second and Final Reading to be held March 22, 2007)

- 6.4 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-06, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM R-3, LOW DENSITY DWELLING DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-05, MacDonald, 5410 SW 41 Street) *Planning and Zoning Board recommended denial*

Mr. Cherof read the ordinance by title. Mayor Truex announced that a public hearing would be held at the March 22, 2007 meeting.

Mr. Cherof swore in witnesses. Ms. Nolan summarized the staff report.

Karen Meyers, representing the applicant, described Mr. MacDonald's property and the surrounding properties with their varied zoning designations. Ms. Meyers said Councilmember Caletka thought the project was a great idea, in light of the Town's affordable housing crisis. She asked Ms. Taylor-Prakelt to discuss the distinction between affordable and attainable housing.

Ms. Taylor-Prakelt stated that some misinformation had been spread regarding this request and advised that this was not Section-8 or subsidized housing. Mr. and Mrs. MacDonald had explained that they wanted to provide the homes at a price that Davie's workers could afford. Ms. Taylor-Prakelt said that some comments made at the public participation meetings had been "distasteful and inappropriate" and had no place in the Town. She wanted it made clear that racial, ethnic and economic prejudice were not embraced by the community or Council.

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Ms. Meyers advised that in Council's backup, there was a petition signed by almost 400 neighbors who were in favor of the project. She said that some neighbors had been concerned that the houses would negatively affect nearby property values, but pointed out that these homes would sell for \$200,000 to \$300,000 and would probably enhance property values. She added that the homes would bring unity and organization to the neighborhood.

Ms. Nolan explained an apparent inconsistency in the staff report, stating that there were no substantial reasons why the property could not be used in accordance with the existing zoning. Town policies called for this area to redevelop over time, specifically Policy 10-1 of the Comprehensive Plan, which referred to "small parcel infill development, facilitating a wide selection of housing types for all income ranges." Therefore, the rezoning was consistent with the Comprehensive Plan.

Mr. Cherof opened the public hearing portion of the meeting.

Paula Twitty referred to comments made at previous meetings regarding this request and asked Mr. Cherof if applicants should directly quote statements made at those meetings. Mr. Cherof advised that Ms. Twitty could question a witness at a quasi-judicial hearing if she wished. Councilmember Starkey said that the public participation plan usually required a summary of comments, not verbatim transcription. If information was provided that would prove pertinent to the Council's decision-making on an issue, the developer was responsible to provide those summaries.

Ms. Twitty said that the Planning and Zoning Board had recommended denial of the request, and she had paid for tapes of their meeting, but was upset that she had no written minutes to which she could refer. Councilmember Paul said the Council must sometimes make decisions without benefit of the written minutes, because the turnaround time was not fast enough.

Ms. Twitty asked Ms. Taylor-Prakelt about the negative comments to which she had referred. Ms. Taylor-Prakelt reiterated that these comments were from the minutes of the public participation meeting from December 15, 2006. Included in the "concerns" section was a statement referring to "scumbags and white trash." Ms. Taylor-Prakelt said because there were allegations made that a member of the Planning and Zoning Board had made a statement that could be construed as a violation of the federal fair housing law, she had listened to the motion made by the Planning and Zoning Board. She advised that she did not hear any member of the Board make any statement that she could determine to be inappropriate or in violation of federal fair housing law. Councilmember Caletka said he had attended the first citizen participation meeting, and did not recall any such language being used.

Don Shaver, 4051 SW 53 Avenue, said he had attended that meeting, and there was no tape recording made of the meeting. He insisted that at that meeting, Mr. MacDonald had referred to the houses as "low income" not "affordable." Mr. Shaver said the residents of Little Ranches did not want any more development in the area, and did not agree with the Master Plan. He asked Council to deny the request. Mr. Shaver reported that at the Planning and Zoning Board meeting, Acting Chair Scott McLaughlin had stated "there was a distinct line between R-3 and R-5 in this neighborhood, and he recommended against it based on that distinct line."

Conrad Braton said he had purchased his half-acre lot home in "low density" and felt this request "would not be a plus in our neighborhood." He cited the following problems he believed would arise: drainage, parking, septic tanks, setbacks, and water retention. Mr. Conrad said he had attended the neighborhood meetings and had heard no derogatory comments. He thought the transcripts had been made by Mr. MacDonald's representatives, so perhaps this had been their interpretation.

Lance Comegys said that he had moved to that area because "it was large land" and a good community. He was offended by the claim of negative remarks and he had not heard

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any of his neighbors say anything negative, only that they were opposed to the request. Mr. Comegys felt that putting four houses on an acre was antithetical to Davie's rural lifestyle.

Clay Cameron said he and his wife were opposed to the request. He was especially concerned about the traffic issues. Mr. Cameron said that Planning and Zoning Board had not allowed him to construct in-laws' quarters on his half-acre lot in 1998. He felt Mr. MacDonald was "out for profit" and he was adamantly opposed to the request.

Doug Newhouse took issue with Planning and Zoning's opinion and said the property was currently being used as zoned. He also had tried to build a guest house on his property but had been denied. Mr. Newhouse opposed the request.

Jennifer Franken felt the proposed housing should be made available to anyone, including herself, not just firefighters, nurses, etc.

Corey Cockreham said he had seen a lot of opposition to the request. He felt Mr. MacDonald's request did not fit in with the neighborhood and indicated that he opposed the request.

Tom Mayors said he spoke for himself and his neighbor, Mr. Morales, in opposing the request. He had moved to Davie for the rural and open neighborhood, and felt that locating four houses here would "take away from what I worked so hard to build." Mr. Mayors noted that the majority of people speaking opposed the request.

Phyllis Cheeseman said she had bought her house because she "did not want to be right on top of someone else." She stated that all the houses on 40th Street were the same lot size as hers and she did not want to see anything in the neighborhood changed, including building four houses on the half-acre. Ms. Cheeseman said nothing derogatory had been said at the first community meeting.

John Breeswalt said he had collected 21 signatures from residents opposed to the request.

Kimberly Bragg bought her house because of the neighborhood and they did not want it destroyed by "adding houses on top of houses."

Cindy Squires opposed the request because the four homes would cause an increase in traffic and cars would be parked on the swales and sidewalks, forcing their children to play in the streets. She noted that firefighters and teachers lived in the neighborhood already and they did not need to "add on more affordable living."

Elizabeth Stager cited traffic dangers in the area and said she opposed the request because of traffic and parking concerns.

Anna Marie Cockreham said she had purchased her home because of the lot size and she wanted too see Little Ranches stay as it was. She opposed the request.

Dave Dunkes said he had bought his home because of the open space. He felt these homes would be on top of one another and would present parking and traffic problems.

Steve Rodgers said he had researched the water issue and Broward County would not grant Mr. MacDonald a permit for septic tanks. Mr. Rodgers indicated that Mr. MacDonald would be forced to use city sewer and added that there was not enough property for a septic tank drainfield. Mr. Rodgers did not believe that drainage requirements could be met.

Pasi Palonen said he had bought his house because of the country lifestyle and he felt this would have a negative impact on his family and neighbors.

Josephine Lopez opposed the request. She was concerned about traffic and parking issues.

Flavio Diaz said traffic had increased on their street and additional houses would add to this.

Wayne Bragg opposed the request and presented photos of the property. He said that Mr. MacDonald was "living out of sheds."

Ms. Meyers corrected the information on Mr. MacDonald's lot size: it was not half an acre, but three-quarters of an acre, approximately 37,000 square feet. She added that Mr. MacDonald was not requesting to add four homes. Mr. MacDonald occupied an existing home and he intended to change the

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elevation to accommodate the three additional homes on the 90' x 305' parcel. Ms. Meyers added that there was no other property having the ingress/egress to the north, east or west as this property did.

Ms. Meyers said that Town staff had attended the community meetings and had recorded them and taken notes. Ms. Meyers noted that the Davie Church of God had recently changed hands and would significantly affect traffic to 54th Avenue. Three additional families on this property would not. Ms. Meyers said there was also an existing sewer system on the property and parking could be accommodated.

Charles MacDonald, the applicant, said the first community meeting was "very irreverent" and the community had informed him of the concerns they wanted him to address. At the second meeting, they had discussed the traffic issue. Mr. MacDonald said this request would make his property consistent with the nearby properties and he felt these homes would be a plus to the neighborhood.

Mr. MacDonald said he had approached his neighbors to explain the houses he intended to build to counter the misinformation that he would build low-income, HUD housing. He presented 350 signatures of residents who did not oppose his request. Mr. MacDonald asked Council to approve his request.

Ms. Nolan clarified that Town staff did not attend or record public participation meetings.

Council disclosed communications they had regarding this item.

Councilmember Caletka said he had met with Mr. MacDonald to discuss the request and noted that there were identically-sized lots across the street. Councilmember Caletka knew that affordable housing was needed in the area and so this would be good for the neighborhood. He had cautioned Mr. MacDonald that neighbors often opposed such plans. Councilmember Caletka advised that he would oppose the project because the immediate neighborhood strongly opposed it.

Mayor Truex said he opposed the request as well. He said that the areas for which they had discussed affordable housing "were not intruding on other people's single-family homes."

Vice-Mayor Crowley said Mr. MacDonald knew what the zoning was when he purchased the property.

Councilmember Paul said she opposed the request as well.

Councilmember Starkey hoped that homes could be built there that were consistent with existing zoning.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to deny. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Items to be tabled

6.5 STAFF REQUESTING A TABLING TO APRIL 4, 2007

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 11-1-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM AG, AGRICULTURAL DISTRICT TO R-1, ESTATE DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 11-1-05, Rhon Ernest-Jones Consulting Engineers/Nichols Associates, Ltd., southwest corner of Flamingo Road and SW 26 Street) *Planning and Zoning Board recommended approval*

This item was tabled earlier in the meeting.

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6.6 STAFF REQUESTING A TABLING TO APRIL 4, 2007

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE LAND DEVELOPMENT CODE, CHAPTER 12, ARTICLE II, SECTION 12-24, STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS; ARTICLE III, SECTION 12-32, TABLE OF PERMITTED USES; SECTION 12-33 GENERAL REGULATIONS; SECTION 12-34, DETAILED USE REGULATIONS – STANDARDS ENUMERATED; ARTICLE IV, SECTION 12-54, NON-RESIDENTIAL PERFORMANCE STANDARD – COMMERCIAL CONSERVATION; ARTICLE V, SECTION 12-83, COMMERCIAL CONSERVATION STANDARDS; ARTICLE VI, SECTION 12-107, LANDSCAPING STANDARDS FOR LOTS AND SITES; ARTICLE VII, SECTION 12-208, REQUIREMENTS FOR OFF STREET PARKING; ARTICLE XII, SECTION 12-375, MASTER PLANNED DEVELOPMENTS; AND ARTICLE XIV, SECTION 12-503, DEFINITIONS; AMENDING RECYCLING, SCRAP METAL PROCESSING , AND AUTOMOBILE WRECKING YARDS AS EXISTING LEGAL USES IN THE M-3 ZONING DISTRICT WHEN THE UNDERLYING LAND USE CLASSIFICATION IS INDUSTRIAL AND THE EXISTING USE IS LEGALLY PERMITTED; PROVIDING FOR INCLUSION IN THE TOWN CODE; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

7. APPOINTMENTS

7.1 Mayor Truex

- 7.1.1. Mobile Home Task Force (one exclusive appointment - one representing a mobile home park owner/manager)

Mayor Truex appointed Milton Rines.

- 7.1.2. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.3. Water and Environmental Advisory Board (one exclusive appointment; term expires April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.1.4. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Councilmember Paul

- 7.2.1 Airport Advisory Board (two exclusive appointments; terms expire December 2007)

No appointments were made.

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7.3 Councilmember Starkey

7.3.1 Airport Advisory Board (one exclusive appointment; term expires December 2007)

No appointment was made.

7.3.2 Mobile Home Task Force (one exclusive appointment - one representing a mobile home park owner/manager)

Councilmember Starkey said she had not received any additional names of park management and owners and asked if Council would agree to add more residents to the list in order to allow the task force to start meeting. She pointed out that Sunshine Village had no representatives and specifically requested David Ellis. Mr. Cherof advised that the resolution would have to be amended.

Councilmember Paul noted that the task force quorum was based on the number that had been appointed. Mayor Truex stated that it was important that park owners be represented, even though some park owners already on the task force were not really park owners. Councilmember Starkey pointed out that the owners would challenge the Town on this, and if they would not participate from the beginning, Council needed to find people willing to participate and help craft solutions. Mayor Truex asked that other park owners be solicited. Councilmember Starkey responded that if park owners were interested at this point, they would have approached Council. She suggested that the at-large position be “switched” to a property owner representation and then add “Mr. Ellis to that then.” Mayor Truex was not in favor of the request. Councilmember Caletka and Vice-Mayor Crowley agreed with Mayor Truex. Councilmember Paul wanted to allow more time to identify another owner.

7.3.3 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

7.4 Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

8.1 SW 8 Street Park Site Fencing

Parks and Recreation Director Dennis Andresky said there were problems with illegal parking and nuisance usage, and the neighborhood had requested the fencing. The fencing was included in last year's capital plan, but no funding had been allocated. He indicated that costs for six-foot vinyl-coated chain link fencing were estimated at \$40,000.

Councilmember Starkey suggested that other funding sources be considered. Mr. Andresky responded that this would postpone the project longer than the neighbors desired. Councilmember Paul felt the funding should come from the open space bond. Mr. Shimun agreed to investigate funding sources and report back to Council.

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8.2 Recovery Negotiations Report (Forensic Audit) [deferred from February 21, 2007]

Mr. Shimun stated that the Oaks Road fire station emergency generator was originally bid at \$128,800, but had been purchased for approximately \$37,000 less, and the Town had requested that this amount be returned by the contractor. The Town was now at an impasse with the contractor and Mr. Shimun requested permission to enter into arbitration regarding this. Mr. Cherof agreed that arbitration was the proper course.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to move forward with arbitration on this item per the recommendation of the Town Attorney and Town Administrator. In a voice vote, all voted in favor. (Motion carried 5-0)

Regarding the SW 49th Court construction, Mr. Shimun said they must decide if the Town should finish the road or if Mr. Amos should be responsible. Vice-Mayor Crowley thought when Council approved the item, Council had agreed that the Town would make the improvements to the existing road, and he felt the Town should complete it. Mr. Cherof informed Council that there were no exceptions in Town's Code for holding the developer responsible for roads, connections, or points of access. He pointed out that as the matter proceeded through site plan approval, staff comments clearly stated it would be the developer's responsibility. Mr. Cherof referred to a staff memo dated December 23, 2004, stating "the Public Works Department will also undertake roadway improvements along SW 49 Court from SW 65 Avenue, west to Mr. Amos's property by installing 12-foot roadway section and swale drainage." Mr. Cherof noted that this did not state the Town would pay for this, but perhaps Mr. Amos thought it would. He reminded Council of the prohibition against spending public funds for private improvement. Mr. Cherof concluded that Mr. Amos was ultimately financially responsible for the roadway improvement.

Mr. Peters explained that there was approximately \$7,000 in bond money set aside for the road improvements. He noted that the road could not be completed correctly without acquisition of additional rights-of-way or an adjacent landowner's permission to construct on his property. He estimated the remaining costs to be \$30,000. Mr. Cherof noted that roadway improvements could be funded through a special assessment to all of the property owners on that length of the road. Mr. Cherof recommended that the Town complete the road and recover the costs from the property owner.

Councilmember Paul and Vice-Mayor Crowley felt that improvement requirements were not consistent from project to project. Mr. Cherof noted that each property was unique and agreed to provide additional language that could make the code even clearer regarding this responsibility.

Mr. Cherof suggested staff approach the owner of the property to the south to request a temporary access easement until that property was developed. Then they would demand payment for the improvement from Mr. Amos. If he refused, Council could decide whether to pursue this.

Vice-Mayor Crowley said he did not want the residents to become homeless because of this, and felt that the owner was under the impression that the Town would pay for this.

Building Official Bill Hitchcock said the buildings would be declared unsafe structures as of March 19th, because there were no certificates of occupancy. The owner could be granted 90 days to comply and then taken before the Unsafe Structures Board.

Council agreed to have the Town move ahead to finish the road per Mr. Cherof's suggestion.

8.3 Sound Walls on I-75 - Councilmember Paul

Councilmember Paul asked that Councilmember Caletka pursue the sound walls at the Metropolitan Planning Organization meetings. She felt the ramp expansion at Sheridan triggered the sound wall requirement and the walls should be installed for at least the length of the ramp work.

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9. NEW BUSINESS

9.1 Young at Art's 18th Annual Children's Festival of the Arts

Earlier in the meeting, John Voight, Chair of the Young at Art Board, described the growth of this festival and explained that for safety reasons, they wanted to move the event to Robbins Lodge. He indicated that staff had suggested that the Town provide in-kind contribution by not charging fees and providing police security.

Councilmember Starkey asked for an estimate of the cost factor. Mr. Cohen informed her that the cost was approximately \$5,700, which included the Police and the Fire Departments, Public Works, Special Projects, and Parks and Recreation, a refundable security deposit, and Port-O-Lets. Mayor Truex wanted to accommodate the event, except for the deposit and police costs. Mr. Voight indicated that Waste Management might donate the Port-O-Lets.

Councilmember Paul asked that Young at Art incorporate a cultural diversity element into the event, since the Diversity Fair would not be held this year.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve subject to the condition that Young at Art pay for police and the deposit; the Town requested that they use a cultural diversity theme; and that Young at Art request that Waste Management donate the Port-O-Lets. In a voice vote, all voted in favor. (Motion carried 5-0)

9.2 Tax Proposals - Mayor Truex

Mayor Truex was concerned about the impact tax cuts could have and feared that the impact might necessitate a reduction in services.

Councilmember Starkey reported that through the League of Cities, she had sat in on many discussions regarding this and had also listened to public testimony. In February, the League had sent a request to send data to John Thomas at the League of Cities to create an impact analysis.

Mayor Truex felt that all of the proposals he had seen were bad and indicated that if funds were cut from municipalities, it must be made up somewhere else. Council had no objection to Mayor Truex's traveling to Tallahassee to testify on behalf of the Town.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER CALETKA

PROFESSIONALISM. Councilmember Caletka indicated that he had been insulted by statements made regarding public figures, these accusations were "lascivious and malicious in intent, and false." He said an accusation had been made that he had made an obscene gesture to Councilmember Starkey's husband, which he denied. He stated that even though he did not support Councilmember Starkey's re-election, there were no personal attacks. If Councilmember Starkey was re-elected, they would work together.

METROPOLITAN PLANNING ORGANIZATION (MPO). Regarding the MPO, Councilmember Caletka stated he would be voting against anything that did not provide sound walls in the Town. He added that there were others on the MPO who felt the same way.

COUNCILMEMBER PAUL. Councilmember Caletka said it had been a pleasure to work with Councilmember Paul and hoped her replacement would be "half as good as what your record is."

VICE-MAYOR CROWLEY

WATERWAY CLEANUP. Vice-Mayor Crowley announced that February 10th was the Waterway Cleanup event and he hoped to see everyone there.

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COUNCILMEMBER STARKEY

POLICE/FIRE MEMORIAL. Councilmember Starkey urged Council to visit the Police/Fire Memorial. She thanked staff, residents and businesses that had helped bring this project to fruition.

COUNCILMEMBER PAUL

EQUESTRIAN AND MULTI-USE CROSSING DESIGNS FOR PUBLIC INTERSECTIONS. Councilmember Paul presented Mr. Shimun with a 2003 resolution regarding this, including diagrams and notes from the Open Space Committee, and asked him to expedite this.

BINGO TRANSPORTATION. Councilmember Paul questioned why special approval was needed to allow the use of the Parks and Recreation van to shuttle seniors from Pine Island to Ivanhoe for bingo. Mr. Andresky said there was an existing bingo program on Friday at Pine Island, and staff felt that the staff time and transportation to Ivanhoe did not make sense financially, but if Council agreed that they wanted to provide the transportation to Ivanhoe, he did not object.

SEAESCAPE TRIPS. Councilmember Paul asked if this problem was solved and noted that there was no cost to the Town for the trip. Mr. Andresky indicated that he would look into this matter.

FARM BUREAU CATTLE REQUEST. Councilmember Paul advised that she had been informed that the Farm Bureau had been approached to find “cattle people” who would like to lease 151 acres in west Davie for at least two years to maintain the agricultural classification. She felt this was a bad faith move based on the developer’s agreement to not use an agricultural classification and to pay full property taxes.

FPL UNDERGROUND LINE PRESENTATION. Councilmember Paul remembered requesting that FPL be invited to make a presentation regarding underground power lines, but this had still not happened.

THANKS. Councilmember Paul thanked Ms. Stafiej for her efforts with the Orange Blossom Festival, noting the success of the festival. She also thanked Public Information Office Braulio Rosa for his work on the updates and staff in Administration.

MAYOR TRUEX

REAL ESTATE OPEN HOUSE SIGNS. Mayor Truex stated that a realtor had sent a copy of Plantation’s ordinance regarding this issue. He would like to see the Town adopt a similar ordinance outlining the rules for these signs. Council had no objections to having staff or Mr. Cherof create similar language for the Town’s Code, specific to open house event signs. Mayor Truex asked that staff “not lean so hard” on the one-day event open house signs only. He also asked that staff follow the spirit of Plantation’s Code in the meantime.

COUNTY AIRPORT MEETING. Mayor Truex stated that what Broward County was proposing was a drastic change from past proposals, because the costs were too high. He wanted as many residents as possible to attend the meeting on March 14th because of the dramatic effect this would have on the Town as opposed to any other municipality. Mayor Truex added that the Town needed to notify the residents of Pine Island Ridge who would be affected by the altered flight path. He stated that the lifting of restrictions would cause noise levels to increase significantly along the Griffin Road corridor.

Councilmember Starkey suggested fliers be created to alert the residents. Council discussed the possibility of using the reverse 911 system for alerting residents by phone.

11. TOWN ADMINISTRATOR’S COMMENTS

No comments were provided.

12. TOWN ATTORNEY’S COMMENTS

No comments were provided.

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13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 1:04 a.m.

Approved _____

Mayor/Councilmember

Town Clerk